

2000 ANNUAL REPORT

**SAN FRANCISCO BAY
CONSERVATION AND DEVELOPMENT COMMISSION**

BCDC 2000 Annual Report

Dedication

The San Francisco Bay Conservation and Development Commission dedicates its 2000 annual report to David Brower, one of the champions of the Save the Bay movement in the 1960s. Brower, who pioneered the environmental movement in California and the world, passed away on November 6, 2000 at the age of 88 in Berkeley.

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Governor Davis and Members of the California Legislature

SUBJECT: 2000 Annual Report

As one of my first duties as Governor Davis' newly-appointed chair of the Bay Conservation and Development Commission it is with great pleasure that I submit BCDC's 2000 Annual Report describing our work under the McAteer-Petris Act, the Suisun Marsh Preservation Act, the federal Coastal Zone Management Act, and the California Oil Spill Prevention and Response Act.

The new millennium has brought with it many changes and accomplishments for BCDC. In 2000, we celebrated the 35th anniversary of the passage of the McAteer-Petris Act, which established the Commission in 1965, as the nation's first state coastal management agency. In July, BCDC and Caltrans District 4 jointly received an Excellence in Transportation Award for the Emeryville Crescent Shoreline Mitigation Project, a significant wetland restoration project. In March, the University of California honored Dwight Steele, chairman of BCDC's Citizens Advisory Committee, as the first recipient of the Peter E. Haas Public Service Award in recognition of his work in building a coalition to protect the Bay and establish BCDC.

The Commission's continued dedication to protecting and enhancing San Francisco Bay, while promoting suitable development is evident in our record in 2000. Last year we approved 21 major projects, denied no applications, and administratively approved 85 permits and consistency determinations, which authorized a variety of activities in the Bay and along its shoreline. We authorized approximately \$4.6 billion worth of construction, and our permits resulted in a net increase of 112.4 acres of Bay surface. Public access was increased by 40 acres along 1.9 miles of shoreline.

We are particularly proud that in 2000, after a decade of hard work, we joined two state agencies and two federal agencies in approving the Long Term Management Strategy for dredging and disposal of dredged material. This effort has received national recognition for engaging a wide range of stakeholders in formulating public policy that will accommodate the dredging needed to maintain the Bay Area's maritime economy and promote the reuse of dredged material to restore wetlands in the region. BCDC also joined in a partnership with other regional agencies and the Bay Area Alliance for Sustainable Development to develop a smart growth strategy for the fast growing Bay region.

In this new millennium, BCDC is committed to continuing its efforts to make San Francisco Bay a healthy, productive ecosystem. We look forward to the challenges ahead and will continue to work to sustain the Bay for future generations.

Sincerely,


BARBARA KAUFMAN
Chair

BACKGROUND

In 1965 the California Legislature created the 27-member Bay Conservation and Development Commission in response to broad public concern over the future of San Francisco Bay. The McAteer-Petris Act, the Commission's enabling legislation, required the Commission to prepare "a comprehensive and enforceable plan for the conservation of San Francisco Bay and the development of its shoreline." In 1969, the Commission submitted the completed *San Francisco Bay Plan* to the Governor and the Legislature. The McAteer-Petris Act was subsequently amended to give the Bay Plan the force of law. Since then there have been several changes to the Bay Plan, including the adoption of several Special Area Plans.



The law directs the Commission to:

- Regulate all filling and dredging in San Francisco Bay (which includes San Pablo and Suisun Bays, sloughs and certain creeks and tributaries that are part of the Bay system, salt ponds and certain other areas that have been diked-off from the Bay).
- Protect the Suisun Marsh, the largest remaining wetland in California, by administering the Suisun Marsh Preservation Act in cooperation with local governments.
- Regulate new development within the first 100 feet inland from the Bay to ensure that maximum feasible public access to the Bay is provided.
- Minimize pressures to fill the Bay by ensuring that the limited amount of shoreline area suitable for high priority water-oriented uses is reserved for ports, water-related industries, water-oriented recreation, airports and wildlife areas.
- Pursue an active planning program to study Bay issues so that Commission plans and policies are based upon the best available current information.
- Administer the federal Coastal Zone Management Act within the San Francisco Bay segment of the California coastal zone to ensure that federal activities reflect Commission policies.
- Participate in the regionwide state and federal program to prepare and implement a Long Term Management Strategy (LTMS) for dredging and dredge material disposal in San Francisco Bay.
- Participate in California's oil spill prevention and response planning program.
- Develop, in cooperation with local governments, a North Bay Wetlands and Agriculture Protection Program.

ADVISORY BOARDS AND COMMITTEES

The Commission has several advisory boards and committees to assist in carrying out the Commission's work by assisting the Commission and its staff: The *Design Review Board* is made up of prominent architects, landscape architects and planning professionals who are expert in designing and evaluating open space and waterfront development issues. The board advises the Commission and the staff on whether projects will be in accord with the Commission's appearance and design policies and will provide maximum feasible public access. The Board met nine times during 2000 and reviewed 28 projects (an increase from 24 projects in 1999). In all cases, changes were made to projects to

ensure the best possible public access, consistent with the Commission's policies on design, appearance and public access.

The *Citizens Advisory Committee* includes a broad cross-section of interests concerned with the future of San Francisco Bay and its shoreline. The Committee assists and advises the Commission in carrying out its planning responsibilities. The Committee met twice in 2000 and discussed the: proposed findings and policies on navigational safety; production of a video on San Francisco Bay; a new special area plan for the San Francisco waterfront; BCDC's budget; draft of a public access and wildlife study; Long Term Management Strategy; and the San Francisco International Airport runway configuration project.

The *Engineering Criteria Review Board* is comprised of world-renowned geologists, geo-technical, civil and structural engineers and architects who specialize in seismic issues and in designing structures to withstand seismic events. The board advises the Commission and the staff on whether the structures proposed on fill will be constructed in accordance with sound safety standards which will afford reasonable protection to persons and property against the hazards of unstable geologic or soil conditions or of flood or storm waters. The Board met twice during 2000 and reviewed three significant projects, including the replacement of the eastern span of the Bay Bridge, a containment structure for the Port of Oakland Middle Harbor Enhancement Area, and the proposed San Francisco cruise terminal, all of which were refined in response to advice from the Board.

The *Scientific and Technical Advisory Committee* advises the Commission on accuracy and completeness of scientific information in staff reports. The committee includes experts on wildlife, water quality, transportation, air quality, economics and hydrodynamics. Several government agencies whose programs affect the Bay are also represented.

STRATEGIC PLAN

In December 1995, the Commission adopted its first strategic plan, which included a mission statement, ongoing and three-year goals, and short term objectives for reaching these goals. The Commission subsequently created task forces comprised of Commission members and staff to implement the three-year goals. Work began on achieving specific objectives in 1996 and on July 1, 2000, the Commission adopted an updated strategic plan containing the following elements.

Vision Statement

The Bay Conservation and Development Commission will be relied upon to lead in achieving a larger, healthier Bay.

Mission Statement

The San Francisco Bay Conservation and Development Commission is dedicated to the protection and enhancement of San Francisco Bay and to the encouragement of the Bay's responsible use.

Ongoing Goals

- Encourage and support appropriate development of the Bay shoreline
- Maximize public access where compatible with resource protection
- Prevent unnecessary Bay fill
- Promote optimum use and management of Bay resources

Three Year Goals

- Develop and implement a responsible and effective funding strategy
- Increase understanding of BCDC's mission, jurisdiction and authority
- Improve and implement BCDC's program for protection, use and restoration of Bay resources

- Improve BCDC's enforcement program
- Work collaboratively with others to achieve an effective, efficient baywide planning and regulatory program

Core Values

- Excellence in staff, process and Commission decision-making
- Integrity, honesty, adherence to the law and fairness in our process and consideration of all viewpoints
- Leadership and devotion to the protection and the enhancement of the Bay
- Open, public process
- Mutual trust and respect among staff, Commissioners, our partners and the public
- Partnerships with other agencies and groups
- Effective, timely and responsive communication

PUBLIC INFORMATION

When the Commission updated its strategic plan on July 1, 2000, the Commission decided to place a greater emphasis on increasing understanding of BCDC's mission, jurisdiction and authority. In the past year, the Commission made a strong effort towards meeting this objective by: hiring a public information intern and outside consultant to provide both a short term and long term public information program; improving BCDC's website; and entering into a partnership to produce a video documentary about San Francisco Bay.

Public Information Program

In October 2000, BCDC hired an intern to begin providing the public with more information on BCDC by providing press releases and media advisories on important BCDC activities, creating press packets, maintaining media contacts, writing the BCDC annual report, and providing quarterly status reports to the Commission on progress

being made. In addition, the Commission decided to retain a communications consulting firm to develop a long range public information program in 2001.

BCDC Website

The Commission established a basic website in 1999 to provide easy access to information about BCDC. The website has proven to be a cost-effective way of providing information to the public. It routinely draws 50 to 60 unique visits per day, with the number of visits climbing dramatically when new reports are published on-line or when the Commission is featured in a news article or program.

Recognizing that its website could be an important element in BCDC's public information program, in 2000 the Commission adopted an element into its strategic plan calling for the on-line publication of all Commission plans, key background reports, and other current and archival information that the public and the Commission's partners may find of use. This objective will be achieved by June 2001.

San Francisco Bay Video Documentary

In 1997, the Commission adopted a public outreach program which was intended to increase public awareness of San Francisco Bay issues and BCDC's role in addressing them. The Commission agreed that the production of a video documenting the historic efforts that led to the establishment of the Commission would help achieve this goal.

In 1999, San Jose public television station, KTEH, agreed to produce and broadcast a video documentary about the Bay if BCDC, working with independent producer Ron Blatman, could secure the underwriting needed to finance the production costs. The television station proposed that BCDC would not have to provide any direct funding for the project, but that BCDC's staff would be expected to provide technical and research assistance. BCDC would not have editorial control over the content of the documentary.

In 2000, the Commission's Citizens' Advisory Committee, a strong proponent of the video, reviewed the proposal and recommended that BCDC become a partner in the project. The Commission then began working with Save San Francisco Bay Association, the San Francisco Planning and Urban Research Association, and the Bay Area Council on an underwriting campaign. Production of the documentary is expected to begin in 2001.

REGULATORY ACTIVITIES

The Commission's regulatory activities cover four broad, overlapping areas: pre-application assistance, application analysis and formal action by the Commission or Executive Director, project monitoring after permits are issued and enforcement actions to deal with violations.

Pre-Application Assistance

Project applicants are encouraged to discuss their proposals with the Commission's staff at the earliest possible date. The staff provides a wide range of early assistance services that extend from answering simple telephone inquiries to attending meetings often extending over many months to discuss large and complicated projects. In 2000, BCDC received 85 environmental documents and the staff provided comments on 15.

Joint Aquatic Resource Permit Application

The Joint Aquatic Resource Permit Application (JARPA) was developed by a consortium of agencies working in cooperation with the Association of Bay Area Governments and San Francisco Estuary Project to make the permit application process easier for applicants who require permits from multiple agencies. All the participating agencies, including the U.S. Army Corps of Engineers, Department of Fish and Game, BCDC, Coastal Commission, and the Regional Water Quality Control Board, agreed to accept the same application form so that applicants can avoid providing identical information on multiple forms. Use of the form is voluntary.

Bahia Project

In 2000, the Bahia Homeowners' Association briefed the Commission on a proposal to convert an approximately 17 acre open water lagoon into a marine separated from the Bay by a lock as a way to reduce sedimentation problems at the Bahia Lagoon, near Black Point, in the City of Novato, Marin County. To offset the adverse impacts of the project, the applicant proposes to restore an approximately 34 acre formerly dredged material disposal site to tidal wetlands. The applicant requested to brief the Commission as a means of getting informal feedback on whether its proposal could be found consistent with the Commission's laws and policies, and whether additional public benefits would make the project more consistent with the Commission's policies. The Commission suggested that the applicant not pursue the proposed project.

Historic Ships

The Commission's regulations provide the criteria that must be satisfied for the Commission to authorize an historic ship to be permanently moored in the Bay. One of the criteria requires that if a ship has played a role in the maritime history of San Francisco Bay and would include commercial uses on board, it must have been built before 1928 to qualify for a permit.

In 2000, the Commission received a request to change the 1928 date so that the *S.S. Lurline*, which was built in 1931, could be permanently moored on the San Francisco waterfront. The Commission changed its regulations to accommodate the *Lurline*, but the ship sunk while being towed to Asia for dismantling before the project sponsors could secure financing to restore the vessel.

Floating Power Plant

In July 2000, the Commission reviewed a proposal by PG&E National Energy Corporation to moor, for 15 months, a 27,000-square-foot, floating barge upon which a 95-megawatt gas fueled electric generation plant would be operated to provide power during periods of

heavy electricity demand. Although the Commission found the proposal was inconsistent with BCDC's policies and the McAteer-Petris Act, the Commission advised the California Energy Commission that if the Governor declared a power generation emergency the proposal could be approved. The Commission also communicated its concerns about the potential environmental impacts of the power plant to the Energy Commission. On August 4, 2000, the proposal was withdrawn.

Permits

Dredging, filling or any substantial change in use of the Bay or shoreline requires a Commission permit to assure that the project complies with State laws administered by the Commission. The Commission's permit process is one of the quickest regulatory programs in State government. Under the provisions of law, failure to act on a permit application within 90 days after it was filed results in automatic granting of the permit.

Projects fall into two categories: major projects or projects raising policy issues acted upon by the Commission and smaller projects that do not raise policy issues. These smaller projects can be authorized as "administrative" permits and are issued by the Executive Director.

As part of the Commission's ongoing efforts to provide the public with as much information as possible on permit applications, in January 1996, the staff began sending out a listing of all new permit applications received. This listing provides an early notice of permit application so interested parties can visit project sites and become familiar with project issues. In 2000, the listing was published twice each month noting 106 permit applications received by the staff.

Dredged Material Management Office

The Commission, its LTMS partners and the State Lands Commission continue to work on the Dredged Material Management Office (DMMO), which was established in 1995 to better coordinate the processing of dredging and dredge material disposal permit applications. It has developed into a single, multi-agency "one stop shop" for dredging projects. The quality and speed of the DMMO review

process of dredge sediment data has continued to improve. Currently in its fifth pilot-phase, the DMMO held its first Public Annual Meeting in April and presented the first Annual Report. The DMMO agencies reviewed 53 dredging projects in 2000. The DMMO agencies are continuing to develop its role in implementing portions of the LTMS.

Major Projects

The following major projects and material amendments were approved during 2000 that will result in approximately \$4,640,247,000 of construction and will provide approximately 40 acres of new public access along 1.89 miles of Bay shoreline.

Marina Renovations

The *Barnhill Marina* in the *City of Alameda* will construct and reconfigure approximately 3,500 square feet of houseboat and recreational docks, moor several houseboats and make several improvements to the shoreside, parking lots, and structures at the existing marina. Public access will be increased along the Bay by installing and dedicating 4,320 square feet of pathway and 7,000 square feet of landscaping, as well as by placing 2,200 square feet of fill to stabilize the banks along pathways to insure safety.

The *Point San Pablo Yacht Harbor* and the *City of Richmond* will construct two, 42-berth boat docks, moor several houseboats and live-aboard boats at the marina, and construct improvements to two existing breakwaters requiring approximately 24,240 square feet of new Bay fill. Public access will include installing approximately 48,050 square feet of public access improvements along both breakwaters and the entire shoreline connecting the breakwaters.

Benicia-Martinez Bridge

The *California Department of Transportation* will construct a new bridge for northbound Interstate 680, spanning the Carquinez Strait between the City of Martinez, Contra Costa County, and the City of Benicia, Solano County. Public access will involve re-striping the new bridge to include a bicycle and pedestrian pathway that will extend from Marina Vista Road in Martinez to Park Road in Benicia. To mitigate for adverse impacts of the project 22.8 acres of wetlands habitat will be created in the Suisun Marsh.

Shoreline Offices

Glenborough Realty will construct a 11.2-acre, four-building office park with a child care facility on 16.2-acre project site in the City of Burlingame, San Mateo County. Public access will include improvements to an existing City-owned public access pathway along the adjacent Airport Road, the donation of \$250,000 to the County of San Mateo for improvements at Coyote Point Park and Fisherman's park and \$50,000 for windsurfing improvements.

Shoreline Hotels

The *Port of Oakland and Oakland Hospitality, LLC*, will construct a Hawthorn Suites Hotel consisting of two, three-story buildings, located at a 3.6 acre site in the North Basin of the Oakland Estuary in the City of Oakland, Alameda County. The process of construction will involve the demolition of three existing buildings. The public access expansion and improvements include: dedicating 46,501 square feet of the site for public access along the Bay; improving a shoreline path with three public access corridors; and refurbishing two wooden decks and an observation area. The project required approximately 168 square feet of Bay fill to improve shoreline appearance.

The *City of South San Francisco, the San Mateo Harbor District, Raiser Resources, LLC, and Corporex Oyster Point, LLC*, will construct a ten-story, 325-room hotel at the

edge of Oyster Point Marina Park with a fifty foot high parking structure at the south end of the site in South San Francisco. There will be 77,985 square feet of landscaping within BCDC jurisdiction. Public access accommodations include improvements to walkways, bench areas, public access parking and Bay Trail improvements to and along the shoreline of the site.

A material amendment to an earlier permit was issued to the *City of Suisun City Redevelopment Agency* to the permit for the construction a 102-room, three-story hotel and separate, single-story 8,000-square-foot conference facility and parking lot at the end of the Suisun Channel. Public access will be provided in a 22,000-square-foot area between the hotel and channel, connecting the hotel with existing shoreline access and an adjacent public park.

Wetland Restoration

The *California Department of Transportation* will restore the former Guadalcanal Village area to a 53-acre tidal wetland, with a public overlook, in City of Vallejo, Solano County. This restoration project will serve as mitigation for a proposed State Route 37 widening project (in 2001) which will require approximately nine acres of Bay fill buildings.

Urban Redevelopment

The *Port of San Francisco, City of San Francisco* and the *Catellus Development Corporation* will construct a 305 acre, mixed use community along the central San Francisco waterfront. The project will include 6,090 housing units, 5,953,600 square feet of research and development, light manufacturing and other commercial space suitable for biotechnology and multi-media users, about 863,600 square feet of retail space, a 500-room hotel, and a new campus to house the University of California San Francisco research facilities. Public access accommodations will include 51 acres of open space with shoreline access.

Habitat Enhancement Project

As part of a U.S. Army Corps of Engineers dredging project at the Port of Oakland, described more fully under Federal Consistency, the *Port of Oakland* will conduct all post-construction maintenance activities for the Oakland Middle Harbor Enhancement Area (MHEA) in the City of Oakland, Alameda County. The MHEA is an innovative wetland enhancement project that will use material dredged from the Port to enhance natural habitat. The Port will be responsible for MHEA maintenance after project construction and a ten year evaluation period.

Cement Terminal

The *Port of Richmond*, *Chunji International Corporation* and *Golden Gate Materials* will moor and operate for a five-year period a 60,000 square foot ship with the capacity to store up to 50,000 tons of dry bulk cement. The vessel will be moored at Terminal 7, in the Port of Richmond's Point Potrero Marine Terminal in Contra Costa County, and will be used for the transfer of cement to trucks for transportation to inland sites. To allow the City of Richmond to provide public access improvements along the shoreline, \$15,000 will be provided to partially fund a City-sponsored public access project.

Highway Improvements

The *California Department of Transportation* will construct an additional lane on both eastbound and westbound Route 84 in the Cities of Redwood City and Menlo Park, San Mateo County, between the Marsh Road interchange and the Dumbarton Bridge. Public access includes the installation and improvement of bicycle and pedestrian pathways and amenities.

The *California Department of Transportation* will construct auxiliary lanes on Route 101 between Marsh Road and Hillsdale Boulevard in the Cities of San Mateo, Belmont, San Carlos, Redwood City, and Menlo Park in San Mateo County. A 6,000-foot-long, 12-foot-wide,

Class I bicycle and pedestrian connection of the Bay Trail will also be constructed on the east side of 101. The project will include 1.18 acres of wetland restoration to mitigate the project's impact on wetlands.

Ferry Building Restoration

The *Port of San Francisco* and *Cornerstone Holdings, LLC* will rehabilitate the historic San Francisco Ferry Building into a high quality market hall, gallery, Port Commission hearing room, and general office space. The Ferry Building is currently listed in the Register of Historic Places and would be maintained as such. The rehabilitation will include numerous public access amenities, transportation-related services, waiting area, and restaurants. The entire 660-foot length of the Nave will be rebuilt as a significant public space with its second floor also open to the public, and the upper floors used for the Port Commission and general office space.

Public Park

The *Port of San Francisco* and the *San Francisco Redevelopment Agency* will construct an approximately 105,800-square-foot public park with approximately 85,800-square-feet of open space along the San Francisco waterfront bayward of the realigned Embarcadero roadway near Pier 24.

State Prison

The *California Department of Corrections* will construct a retaining wall, splash wall, and riprap to provide shoreline protection measures at the San Quentin State Prison in Marin County. The placement of 57,500 square feet of Bay fill is needed for the project, the majority of which will be shoreline riprap. To offset the fill, \$200,000 was put into a wildlife habitat restoration fund. No public access will be provided due to safety requirements of a prison facility.

Pollution Control Projects

The *San Francisco Public Utilities Commission* and the *Port of San Francisco* will construct improvements to and expand the existing Southeast Water Pollution Control Plant Booster Pump Station located on the south shore of Islais Creek, in San Francisco. Public access components include a new pedestrian sidewalk and re-paving, landscaping, public parking, and bicycle facilities. Habitat restoration will also be provided for the public mini-park adjacent to the pump station.

The *Vallejo Sanitation and Flood Control District* will relocate two sewer lines that have been flooded within the White Slough area in the City of Vallejo, Solano County. The existing lines have been flooded since a 1976 levee breach along the Napa River. Mitigation for the project's fill will be provided at the Guadalcanal Village site. Public access will be provided as part of the project.

Permit Denials

Projects within BCDC's jurisdiction must meet the requirements of the Bay Plan. When projects do not meet the terms or conditions of the Bay Plan the Commission has the authority to deny granting a permit. In 2000 the Commission did not deny any permit applications.

Administrative Permits

In 2000, fifty-three projects were approved administratively to authorize a wide range of activities, including: shoreline protection; new and improved public access; construction and improvements of single-family residences; maintenance dredging; installation of fiber optic cables; restaurant remodeling; construction of parking lots and boat lifts; a stormwater run off juncture; railroad track repair; seismic retrofitting of a bridge; dock replacement and repair; upgrades of sidewalks and buildings to meet Americans with Disabilities Act standards; two groundwater monitoring wells; habitat restoration and mitigation; and breakwater construction and replacement.

Suisun Marsh Development Permits

Under the Suisun Marsh Preservation Act, the Commission, Solano County and other local governments administer the marsh development permit system to protect the wetlands, riparian habitats and agricultural lands within the Suisun Marsh. The Commission reviews applications for projects within the "primary management area" which includes the wetlands within the Marsh. Local governments control projects in the "secondary management area" subject to review by the Commission.

In 2000, the Commission issued one permit in the primary management area of Suisun Marsh. This permit allows the *County of Solano* to replace the existing, one-lane Grizzly Island Road Bridge at Hill Slough with a two-lane bridge. The existing bridge will be retained as a fishing pier and public access parking will be provided nearby. The project will restore and create about 9,690 square feet of wetlands to mitigate for the loss of about 4,200 square feet of existing wetland habitat.

Emergency Permits

The Executive Director can issue a permit immediately on an emergency basis. Three such permits were issued in 2000. Most of the emergency work consisted of replacing or making repairs to levees, seawalls and shoreline protection devices damaged from winter storms.

Permit Amendments

The Executive Director approved 140 non-material amendments to existing major and administrative permits in 2000 (an increase from 124 amendments in 1999).

Regionwide Permits

The regionwide permit program was initiated in 1988 to reduce the time required to get authorization for routine work. Initially eight types of work could be authorized in the regionwide program: minor repair and maintenance; outfall pipes; service lines and utility cables; small pilings and boat docks; wildlife improve-

ment structures; repair or replacement of small structure; work on small piers; and drilling test wells. In 1994, the Commission adopted another regionwide permit, which authorizes seismic retrofit projects for State highways and bridges.

As part of the Commission's ongoing regulatory reform efforts, and in response to recommendations set forth in a joint report of the Save San Francisco Bay Association and the Bay Planning Coalition, in 1996 the Commission made changes to the regionwide permits and added a new category, abbreviated regionwide permits. Four new regionwide permits were added to authorize routine maintenance dredging up to 100,000 cubic yards; installation of new service lines and utility cables; routine repair and maintenance of existing pile-supported residential structures; and construction of new temporary facilities no larger than 1,000 square feet.

In 2000, twenty-two projects were authorized under the regionwide permit program, and seven under the abbreviated regionwide program. Noteworthy projects include: installation, use and maintenance of new service lines and utility cables encased in pipe beneath the Bay spanning from the Alameda Facility Naval Supply Center to the City of Oakland; maintenance dredging of approximately 50,000 cubic yards of sediment from the entrance channels at Emeryville Marina and Emery Cove Yacht Harbor and disposal of dredged material at the Alcatraz disposal site; and maintenance dredging of approximately 97,000 cubic yards at the Port of Richmond Marina to maintain a depth of 12 feet at the entrance channel with dredged material disposed at an upland site in the Port's shipyard.

Federal Consistency

Under the federal Coastal Zone Management Act, the U.S. Department of Commerce has approved the Commission's coastal management program for the San Francisco Bay segment of the California coastal zone. This approval gives the Commission an opportunity to review federal projects that would not otherwise be subject to California law.

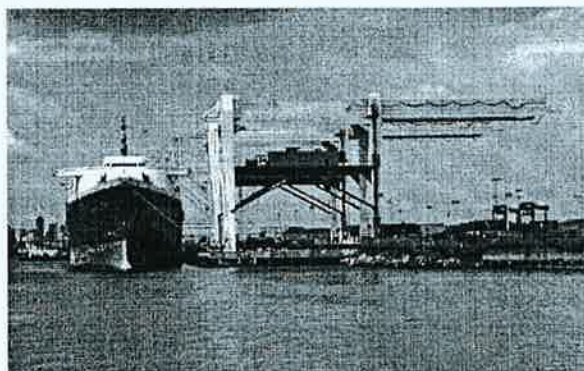
Five major federal consistency determinations were considered by the Commission in 2000 and found consistent with the Commission's coastal zone management program.

Military Base Reuse

The Commission concurred with a consistency determination from the National Park Service for partial implementation of a plan to convert the 335-acre former Fort Baker at the northern shoreline of the Golden Gate into a conference center within the Golden Gate National Recreation Area. The proposed project will enhance and restore provide public access along the waterfront, use an historic boat shop, fishing pier and marina for public uses, rehabilitate historic structures, and add approximately 30,000 square feet of new structures, surrounding the parade ground for use as a retreat and conference center. The existing Bay Area Discovery Museum and Coast Guard facility will be retained and expanded.

Port Deepening

The Commission concurred with a consistency determination for the *U.S. Army Corps of Engineers* to dredge channels at the Port of Oakland from 42 feet in depth to 50 feet. The 13.4 million cubic yards of dredged material will be used to create wetlands at the Montezuma Wetlands Project, Hamilton Wetland Restoration Project, and Oakland Middle Harbor Enhancement Area, an area formerly dredged by the Navy. The area will be converted into a 181 acre mosaic of deep water, shallow water, eelgrass bed, shallow flat, sand beach, salt marsh, and avian high tide refugia habitats.



Bridge Replacement

The *U.S. Coast Guard* will demolish an existing, 762 foot-long bridge between Oakland and Coast Guard Island and replace it with a new, 906 foot-long bridge; demolish a pier; place approximately 4,176 square feet of riprap; and demolish and reconfigure some existing roads, pathways, sidewalks, and fences. The project will result in a net increase of approximately 1,058 square feet of fill within the Bay. Although there will not be any dedicated public access, the replacement bridge will include two bicycle lanes and one pedestrian lane that will be open for public use. The project also will include approximately 2,685 square feet of wetland vegetation mitigation.

Maintenance Dredging

BCDC agreed with a consistency determination from the *Army Corps of Engineers* to maintain various federal navigation channels in the Bay by dredging approximately five million cubic yards of material over a two-year period, disposing some of the material dredged in the Bay and at the federal deep ocean disposal site, and taking the remainder of material to sites located upland of the Bay including to levees in need of repair located in the Sacramento-San Joaquin Delta, outside of the Commission's jurisdiction.

California Water Management

The Commission concurred with a consistency determination submitted by CalFed agencies for the adoption of the CalFed Bay-Delta program, which is a long-term, comprehensive plan to restore the ecological health and improve water management for beneficial uses of the Bay-Delta system. The CalFed agencies consist of 18 state and federal agencies with management or regulatory responsibilities for the Bay-Delta. State agencies include the California Resources Agency, Department of Fish and Game, Department of Water Resources, Environmental Protection Agency, and State Water Resources Control Board. Federal agencies include the U.S. Environmental Protection Agency, Department of Interior, Fish and Wildlife Service, Bureau of Reclamation, Geological Survey, Bureau of Land Management, Army Corps of Engineers, Department of Agricul-

ture, Natural Resources Conservation Service, Forest Service, Department of Commerce, National Marine Fisheries Service and the Western Area Power Administration.

ENFORCEMENT

The staff monitors projects approved by the Commission and investigates reports of unauthorized fill and construction. To deal with enforcement problems, the Commission can issue permanent cease and desist orders and can require corrective measures. The Executive Director can issue temporary cease and desist orders to stop unauthorized activities. The Commission may impose civil penalties for violations of the law or a Commission permit. The penalties are deposited in the Bay Fill Clean-up and Abatement Account. During 2000, \$83,100 in civil penalties were deposited in the Bay Fill Account.

The *Enforcement Committee* is a committee made up of members of the Commission appointed by the Chair. The Enforcement Committee serves a judicial role by holding administrative hearings to consider the allegations and evidence in enforcement cases brought by the Commission staff. After the evidentiary hearing, the Committee makes findings of fact and recommends whether the Commission should issue cease and desist and civil penalty orders. The final decision to issue the orders must be made by the full Commission. A Deputy Attorney General serves as counsel to the Enforcement Committee.

The Commission began 2000 with 123 enforcement cases pending. During 2000, 82 new enforcement cases were initiated and 56 cases were resolved without formal action by the Commission. As a result, the Commission ended 2000 with 149 cases pending. The Attorney General litigates about four enforcement cases each year.

Summary of Permits, Fill and Mitigation¹

Year	Major Permits		Minor Permits ²		Permit Amend-ments ⁴	Net Change in Bay Surface ³ (Acres)	Construction ⁵ (\$000,000)	Public Access ⁵ (Acres)	Public Access ⁵ (Miles)
	Granted	Denied	Granted	Denied					
1970	12	1	66	0		- 72.0			
1971	26	4	61	0		- 25.1			
1972	12	3	80	0		- 7.0			
1973	17	1	71	0		- 4.4			
1974	20	0	107	1		+ 274.0			
1975	10	0	87	0		+ 5.0	100		
1976	14	0	110	0		- 2.2			
1977	20	0	116	0	104	+ 16.8	100	21.4	
1978	23	1	104	4	90	- 1.9	152	46.1	9.6
1979	34	0	120	2	103	+ 3.4	93	25.1	
1980	19	1	105	1	101	+ 30.0	470	134.0	
1981	23	0	134	0	125	+ 44.5	130	42.2	
1982	26	0	104	0	115	+ 262.0	379	27.0	5.0
1983	23	0	105	0	131	+ 5.0	395	26.0	6.0
1984	15	3	135	0	130	+ 12.0	97	12.0	7.0
1985	15	1	98	0	104	+ 60.0	200	35.0	6.3
1986	20	0	108	0	112	+ 11.0	639	35.0	5.1
1987	16	2	108	0	104	- 2.0	68	6.0	1.1
1988	17	1	119	2	137	+ 152.2	125	3.3	0.9
1989	17	0	114	1	144	+ 1.7	107	12.7	1.5
1990	17	1	112	0	151	- 1.5	127	12.7	2.0
1991	8	1	61	0	163	- 0.7	400	4.0	5.6
1992	10	1	84	0	140	- 1.6	97	10.4	1.9
1993	8	1	89	0	122	+ 50.1	26	0.2	0.3
1994	11	1	114	0	96	+ 1.6	383	264.0	6.9
1995	15	0	72	0	107	+ 549.6	136	2.8	0.9
1996	7	0	93	0	97	- 1.0	60	3.1	2.2
1997	14	2	109	0	94	+ 75.0	733	14.1	2.9
1998	15	1	109	0	130	+ 38.5	518	16.4	3.3
1999	10	0	103	0	124	+ 258.0	828	67.2	8.4
2000	21	0	85	0	141	+ 112.4	4,640	40.0	1.9
Total	515	26	3,085	11	2,805	+1,843.3	11,406	860.6	78.8

Notes: 1 Some authorized projects have not been built and some projects may have been changed pursuant to amendments to permits.

2 Includes minor, emergency and Suisun Marsh permits, consistency determinations approved administratively and region-wide permits.

3 Net change equals new bay surface less new bay fill. Includes major permits and consistency determinations only for projects through 1987 and significant administrative permits thereafter.

4 Includes both major and minor permits.

5 Includes major projects only.

Cease and Desist Orders

In 2000, the Commission issued three cease and desist orders, all of which were stipulated:

- **Barnhill Marina**, Alameda, for the unauthorized placement of fill in the Bay for new boat docks, about 15 new houseboats, and various other activities along the shoreline. Barnhill Marina was directed to comply with the conditions of an after-the-fact permit that was issued in March 2000 and pay a \$20,000 civil penalty.
- **San Rafael Marina, LLC and Loch Lomond Marina, Inc.** for the unauthorized construction of parking lots, sidewalks, shoreline protection, gatehouses and the performance of other work associated with marina maintenance and dredging. The order requires Loch Lomond Marina to obtain a permit for the work, the removal of fill and uses for which a permit is not obtained, the submittal of dredging reports to BCD, and the payment of a \$32,000 civil penalty.
- **San Francisco International Airport** for the unauthorized placement of fill in the Bay as part of runway maintenance activities. The Airport removed the unauthorized fill the affected area. The order requires the payment of \$82,000 to the Port of San Francisco for habitat improvements at Heron's Head Park at Pier 98, a civil penalty of \$40,000 to be paid to the Commission's Bay Fill Cleanup and Abatement Account, and the implementation of an environmental and permit compliance review process for the Airport staff to prevent future violations.

Enforcement Effort in Richardson Bay

In 2000, through the efforts of the Richardson Bay Regional Agency, a joint powers authority formed by four southern Marin County cities and the County of Marin, approximately 44 abandoned, derelict or unsafe vessels and recent anchor-out vessels were removed from Richardson Bay. The Agency also concluded two abatement proceedings against owners of boats anchored in Richardson Bay. The Commission staff continues to work closely with and provided support to the agency.

PLANNING

Although the Bay Plan has been amended more than 80 times since its adoption in 1968, many of the Plan policy elements have not been reviewed for a number of years and some have not been reviewed since they were adopted. In addition, a number of issues which impact the Bay have emerged that may affect the Plan. To keep the Plan current, a systematic review program is essential. Consequently the Commission established an ongoing five-year Bay Plan update program and schedule to ensure that the Bay Plan is based on the most current information available. The comprehensive review of the Plan may affirm the current relevance and appropriateness of existing policies, or find the need to recommend amendments to the Plan. This process will be ongoing and integrated into the Commission's continued review of its Strategic Plan, development of its work program and its budget proposals.

Priority Use Area Task Force

The Commission established a Priority Use Area Task Force to review the relevance of the priority use areas designated on the Bay Plan maps. The Task Force determined that a comprehensive review of current information concerning the priority uses and the priority use areas designated on the Bay Plan maps should be added to the Commission's Bay Plan update program and will recommend this course of action to the Commission in early 2001. This review will ensure that any priority use areas designated would be relevant and thus more likely to be incorporated into local government general plans, specific plans and implementing ordinances.

Bay Plan Policy Studies

As part of the program of keeping the Bay Plan up-to-date and to address regional issues of importance to the Commission, the staff embarked on two important policy analysis studies: the relationship between public access and wildlife protection, and the evolution of the Bay Plan policies on marshes and mudflats and fish and wildlife, and integrated policies on the aquatic habitat environment.

Public Access and Wildlife

In 1998, as part of the Commission's work plan for updating the *San Francisco Bay Plan*, staff initiated a study of the complex issue of compatibility of public access with wildlife. Through the Public Access and Wildlife Compatibility Project, BCDC is endeavoring to revise its policies to better achieve maximum feasible public access while providing for wildlife protection and enhancement.



The Public Access and Wildlife Compatibility Project was initiated in partnership with the Association of Bay Area Government's Bay Trail Project (Bay Trail Project). The Bay Trail Project, with BCDC assistance, took the lead in facilitating original field research to measure public access impacts on avian species that inhabit San Francisco Bay. BCDC,

with Bay Trail Project assistance, concentrated on improving its knowledge of siting, design and management strategies to avoid or reduce adverse effects by undertaking a comprehensive assembly and analysis of available information, collecting further observational and anecdotal information through a survey of land managers, and establishing an advisory committee to help generate policy recommendations.

A Policy Advisory Committee (PAC) was formed to function as a forum for public input and debate and to help facilitate a consensus among regional public agencies and non-profit organizations on the development of policy recommendations. The PAC was comprised of 14 individuals representing a wide range of professional fields, geographic areas and public interests including biologists (consultant, academic and agency), resource managers, regional park district employees, environmental planners, landscape architects, and non-governmental organization activists, including both recreation and wildlife protection advocates. The PAC was instrumental in reviewing and analyzing information as it became available, and reached consensus on conclusions and proposed policy directions. The result-

ing conclusions of the study and policy concepts agreed upon by the PAC were further refined by BCDC staff as proposed revisions to the *San Francisco Bay Plan* public access findings and policies.

The Commission will hold a public hearing on the proposed findings and policies in 2001.

San Francisco Bay Habitat Planning

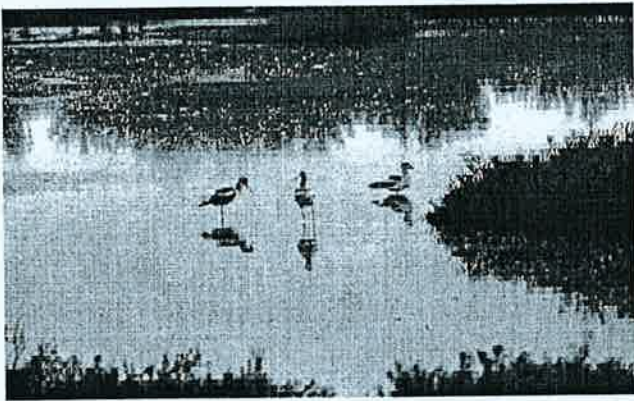
The *San Francisco Bay Plan* policies on marshes and mudflats and fish and wildlife have not been updated since the Bay Plan's inception in 1965 and are in need of revision. In light of this need the Commission's staff began the Bay Plan amendment process for findings and policies in 1999. The staff soon realized that the treatment of both marshes and mudflats and fish and wildlife as distinct subjects requiring separate findings and policies did not reflect the interconnected and interdependent nature of the ecology of the San Francisco Estuary, which is an ecological unit that extends from the Bay's surrounding watersheds to the Bay's subtidal habitats.

Furthermore, scientific understanding and management of the San Francisco Estuary has expanded in such a way that subject areas which were not initially addressed by the Bay Plan can now be encompassed by a broader habitat-based approach. New subject areas to be included in the habitat Bay Plan amendment are invasive species, subtidal habitats, endangered species and wildlife refuges. Additionally, various statutes have been enacted since 1965, such as the federal and state Endangered Species Acts, which must be reflected in the Bay Plan findings and policies as they pertain to the Commission's responsibilities under new legislative mandates.

In 2000, the staff began an extensive process to pull together the breadth of topics into Bay Plan habitat findings and policies. In September 2000, the staff convened 15 reputable Bay Area scientists with expertise in fields as diverse as hydrogeomorphology and marine mammal biology to help focus knowledge concerning subtidal habitats. In this forum issues such as the relative values

of various submerged habitat types and recommendations for appropriate restoration and protection techniques were discussed.

Insight from the panel was used to complete the subtidal habitat chapter and associated subtidal findings and policies, which was incorporated into the larger Bay habitat background report, the foundation for the Bay Plan amendment process. Commission consideration of the completed Bay habitat report and corresponding policy recommendations is scheduled for mid-2001.



Nonpoint Pollution Control Program

BCDC is evaluating its role in addressing nonpoint source pollution in San Francisco Bay as part of its program assessment and strategy, in accordance with a memorandum from the Secretaries of the California Environmental Protection Agency and Resources Agency. The agencies called for all state departments to implement management measures for which they have authority to better control nonpoint pollution in California.

In 2000, BCDC conducted an analysis of 61 management measures and their relationship to the Commission's authority. Based on this analysis, a draft plan has been developed which provides a succinct review of BCDC's current polluted runoff authority and proposes recommendations. The Commission is expected to review the draft plan during the first quarter of 2001.

Smart Growth Partnership

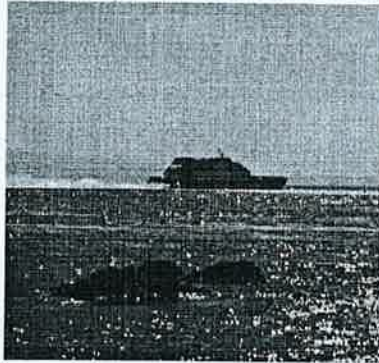
BCDC has been a participant in two significant regional programs to address sprawl and develop alternative development strategies that will serve the Bay Area's population which is projected to increase by one million people by 2020. The two efforts aim at promoting economic prosperity, protecting the region's natural environment, reducing traffic congestion and providing opportunities for everyone in the region to enjoy the region's economic and environmental bounty. The Regional Agencies Smart Growth Strategy is a joint effort of BCDC, the Association of Bay Area Governments, the Metropolitan Transportation Commission, the Regional Water Quality Control Board, and the Regional Air Quality Management District to develop a coordinated smart growth strategy for the region. In addition, BCDC has been participating in the efforts of the Bay Area Alliance for Sustainable Development to develop a consensus Compact for a Sustainable Bay Area, including a series of action commitments and indicators. The Alliance is comprised of over 40 regional organizations, representing business, labor, local government, environmental organizations, and community groups. In 2000, the two efforts developed a coordinated work program as a combined Smart Growth/Footprint Project.

The coordinated project aims to promote changes in how Bay Area communities accommodate growth by promoting transit-oriented and mixed use development, preserving environmental resources and promoting a more equitable development process. BCDC's involvement in this effort is focusing on two goals: advocating the importance of continued protection of the Bay; and ensuring that BCDC carries out its responsibilities in a manner that will advance a broader regional strategy.

BCDC's participation in the smart growth effort is being supported by the National Oceanic and Atmospheric Administration which has dispatched a NOAA staff member to work under BCDC's direction on this issue over the next two years.

Water Transit Authority

The San Francisco Bay Area Water Transit Authority (WTA) was established by the California legislature to prepare a plan for the development and operation of an expanded ferry service in the San Francisco Bay. BCDC will assist the WTA in the development of the plan in a variety of ways, including identifying terminal locations that will not require extensive dredging and not damage sensitive habitats, and will provide easy communication with landslide transportation facilities. BCDC will also provide assistance in coordinating with local jurisdictions and community organizations to gain their support for the plan and provide recommendations on terminal designs that will ensure public access to the shoreline.



Airport Planning

In 1998, the San Francisco International Airport (SFO) began evaluating the possibility of building one or more new runways in the Bay to improve airport operations. If the Airport pursues its plans, as much as 1,600 acres of Bay fill may be needed for the new runways—the largest amount of fill proposed in the past 40 years. In order for the Commission to approve a fill project of this magnitude, BCDC will have to find that filling the Bay is the best way of meeting regional air transportation needs. To help determine whether such a conclusion can be justified, in 1998 the Commission joined with the Metropolitan Transportation Commission and the Association of Bay Area Governments in sponsoring an update of the Regional Airport System Plan. In May 1999, the Commission signed an agreement with SFO under which the Airport is providing BCDC with funds to participate in an update of the regional airport system plan, review the environmental documents for the Airport's proposed new runways in the Bay, and process the Airport's permit application for the runways.

If SFO goes ahead with the project, it expects to apply for a BCDC permit in 2002. Over the past two years, BCDC has been working in close coordination with SFO and other agencies and organizations on the planning and environmental analysis that is needed for a project of this magnitude. Using the financial support from SFO, the Commission has engaged a special consultant to participate in three major processes that were ongoing in 2000.

First, BCDC participated on a multi-agency task force established to provide a coordinated review of each of the EIR/EIS on the project. As an outgrowth of an Independent Scientific Panel organized by the National Oceanic and Atmospheric Administration in 1999 to identify the critical issues in need of analysis in the EIR and EIS, a peer review process has been established for the review of the environmental studies.

Second, BCDC has participated in the regional airport planning process. Three BCDC commissioners serve on the Regional Airport Planning Committee (RAPC), which also includes representatives from the Metropolitan Transportation Commission, the Association of Bay Area Governments, the region's airports, the Federal Aviation Administration, and the California Department of Transportation. In 2000, RAPC updated the Regional Airport System Plan.

Third, in 2000 the Commission received a series of briefings on the SFO project and air transportation planning matters to keep the Commission and the public apprised of the status of the SFO project.

Oil Spill Prevention and Response

San Francisco Bay is the fifth busiest port in the United States, with an annual arrival of approximately three thousand oil tankers and barges. After the disastrous *Exxon Valdez* oil spill in Alaska, the State of California passed the Lempert-Keene Seastrand Oil Spill Prevention and Response Act of 1990 (OSPRA), giving the Commission several new responsibilities. Because waters of the Bay are confined and currents very strong, damage from a large oil spill could adversely affect a

variety of Bay resources such as wildlife, water quality, recreation, business and property. Due to BCDC's regulatory authority over the waters and shoreline of San Francisco, Suisun and San Pablo Bays, continued coordination with agencies working under OSPRA is essential for effective oil spill prevention and response.

In 2000, there were no major oil spills in San Francisco Bay within BCDC's jurisdiction. The Commission continued to be represented on the Harbor Safety Committee of the San Francisco Bay Region throughout 2000. This committee meets regularly in an effort to advance navigational safety goals. BCDC's Oil Spill staff also continues to assist in the development and refinement of guidelines and regulations pursuant to the OSPRA, such as required reviews of oil spill contingency plans and providing input on BCDC permit proposals that raise oil spill issues.

Bay Plan Amendments

Under the provisions of the McAteer-Petris Act, the Commission must make a continuing review of the Bay Plan and can amend the Plan if two-thirds of the Commission (18 of the 27-member Commission) agree with a proposed amendment.

In 2000, BCDC initiated three amendments to the Plan—to integrate the implementation section of the Plan, Part V, into other parts of the Plan; to amend the *San Francisco Waterfront Special Area Plan* and the *San Francisco Waterfront Total Design Plan*; and to amend the Bay Plan dredging policies. The Commission also approved three applications of other parties to amend the Plan—at Oyster Point in South San Francisco, at the former Pacific Refinery in Hercules, and at the former Oakland Army Base in Oakland.

Amendment No. 2-99 deleted the Waterfront Park, Beach priority use designation from the portion of Oyster Point inland of the Commission's shoreline jurisdiction. Retaining the Waterfront Park Priority use designation along the entire shoreline of the Oyster Point area facilitated completion and preservation of a continuous regional shoreline access system that connects to larger recreation nodes such as Candlestick Point. Though the proposed

amendment reduced the size of the land set aside for park uses, it does meet the objectives of the Bay Plan to provide public access and park facilities along the shoreline of the Bay and to link together the entire series of shoreline parks and existing public access areas in this part of the Bay.

In April 2000, the Commission adopted Bay Plan Amendment No. 5-99, which eliminated Part V of the Bay Plan, the implementation section of the Plan. The amendment eliminated some of the descriptive material it contained because it was either redundant or out-of-date, and modified and moved the remaining material into other sections of the Bay Plan.

Amendment No. 2-00, requested by the City of Hercules and New Pacific Properties, deleted the water-related industry priority use area designation from the former Pacific Refinery because the refinery is no longer needed for petroleum refining. The City of Hercules intends to use the property for community development. In approving the Bay Plan amendment in September 2000, the Commission recognized that the need for land for oil refineries and heavy industry, in general, has been on the decline in the Bay Area. It is unlikely that future Bay fill would be required to meet the needs of water-related industry.

Bay Dredging and Disposal

Amendment No. 3-00 changed the Bay Plan findings, policies, and maps related to dredging and dredged material disposal and beneficial use to provide the Commission with the basis necessary to implement the long-term strategy for the region. This strategy developed through the Long Term Management Strategy (LTMS) program involves decreasing in-Bay disposal of dredged material over time and increasing the beneficial use of dredged material as well as increasing the use of the federally-designated deep ocean disposal site. LTMS has involved numerous agencies in a ten year process leading to this amendment.

In 1990, the Commission joined the other regulatory agencies—the U.S. Army Corps of Engineers, the U.S.

Environmental Protection Agency, the San Francisco Bay Regional Water Quality Control Board and the State Water Resources Control Board—to develop a strategy for addressing the problems associated with dredging and disposal activities in the region. These problems include limited disposal site capacity and potential environmental impacts, through the Long Term Management Strategy (LTMS) program.

In 1999, the final policy Environmental Impact Statement and programmatic Environmental Impact Report on the LTMS was completed which identified a long-term management strategy. The strategy involved an overall reduction of in-Bay disposal over time and an increase in the volume of material taken to the federally-designated deep ocean disposal site and used beneficially for wetland restoration, levee repair, and landfill cover. In July 1999, the federal Record of Decision on the Environmental Impact Statement for the LTMS was signed, and, in October 1999, the Environmental Impact Report was certified.

Subsequently, the LTMS agencies initiated development of the *LTMS Management Plan* to provide the mechanisms necessary to implement the new long term dredging and disposal strategy for the region. Preparation of the Management Plan involved working closely with the interested parties through a series of public workshops. During this time, the Commission also began preparing amendments to the Bay Plan findings, policies, and maps and changes to its implementing regulations to provide it with the policy basis for implementing the new management strategy. In June 2000, the Draft *LTMS Management Plan* and the proposed Bay Plan amendments and regulation changes were issued for public review and comment. After a series of public hearings, the Commission approved the Bay Plan amendments and regulation changes in December 2000. The final LTMS Management Plan will be released in 2001.



San Francisco Waterfront Plan

Bay Plan Amendment No. 7-99 was initiated in 1998 and completed in July 2000. It involved a partnership of the Port of San Francisco, Save San Francisco Bay Association and the BCDC to develop amendments to the *San Francisco Bay Plan*, *San Francisco Waterfront Special Area Plan*, the *San Francisco Waterfront Special Total Design Plan* and the Port's Waterfront *Land Use Plan*. The amendment would establish common policies consistent with the McAteer-Petris Act to guide future development along the San Francisco Waterfront between Fisherman's Wharf and China Basin which would allow for the removal of unneeded piers, redevelopment of the remaining piers for uses consistent with the Public Trust Doctrine and the Port's legislative trust grant, and three new public shoreline plazas and a comprehensive, linked system of public access.

In 2000, the Port Commission and BCDC formed a joint Committee called the *Port of San Francisco Waterfront Committee* to address the remaining outstanding issues that needed to be resolved in order to complete the waterfront plan. In May 2000, the Committee presented its principles of agreement to both Commissions and these principles, along with the framework agreement, formed the basis of amendments to both the Commission's plans and the Port of San Francisco's plans, consistent with the requirements of the McAteer-Petris Act.

The newly adopted San Francisco Waterfront Special Area Plan will result in:

- The removal of deteriorating piers to create new open water to enhance the ecological health of the Bay and to facilitate needed public recreation and access opportunities;
- The completion of a waterfront-wide, integrated public access network, design policies that promote low-scale development and preserve significant Bay; and
- The preservation of important and unique historic resources along the waterfront.

The *Special Area Plan*, as amended, includes implementation requirements that will ensure that public benefits will be provided in a timely manner consistent with development and available resources. It also includes policies that foster greater coordination between the agencies to ensure that the policies of the plan are implemented successfully.

Oakland Army Base

In October 2000, the Oakland Base Reuse Authority and the Port of Oakland applied to the Commission for Bay Plan Amendment No. 4-00. The request amends the *San Francisco Bay Plan* and the *San Francisco Bay Area Seaport Plan* to remove the port priority use area and marine terminal designations from approximately 190 acres of the Oakland Army Base in the City of Oakland. As part of the Army Base closure process, the City of Oakland intends to take title to the Army Base, use a portion of it for port use, and the remainder for a mixture of commercial, office, light industrial and public park uses.

Under the City's proposal, approximately 184 acres of the base will be transferred to the Port and remain designated as a port priority use area which will allow the Port to expand and reconfigure its existing and planned marine terminals. The Port will also relocate and reconfigure its planned Joint Intermodal Terminal (JIT) in a more efficient manner than is now possible. The ability of the Port to expand and reconfigure the terminals and the JIT will permit the Port to increase its future container cargo throughput capacity by 500,000 metric tons over the expected Seaport Plan designated cargo capacity for the Port in the year 2020. This increase in capacity can be achieved without the approximately 127 acres of Bay fill called for in the Seaport Plan to provide new marine terminals at the Port to meet the 2020 cargo capacity forecast.

LITIGATION AND LEGAL SUPPORT

In 2000, the Commission was involved in the following lawsuits:

George Gianulias. In 1987, the Commission filed a lawsuit against George Gianulias for the unauthorized placement of fill on the Napa River side of State Highway 37 near White Slough in Solano County. The trial court issued a final judgment that upheld the Commission's jurisdiction and BCDC's issuance of a cease and desist order. Mr. Gianulias has removed the unauthorized fill and completed the revegetation portion of the approved restoration plan, but is still responsible for monitoring and restoration.

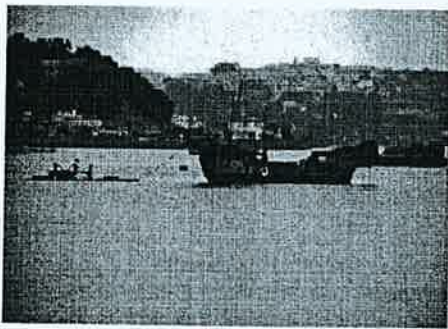
F. E. Crites, Inc. In the mid 1970s, the Commission, the State Lands Commission, and the Regional Water Quality Control Board filed suit over illegal dredging in Suisun Bay and disposal along the shoreline west of the McAvoy Yacht Harbor in West Pittsburg, Contra Costa County. As part of a settlement, the subsequent owners of the property transferred to the State 80 acres of tidal marsh, partially restored approximately 15 acres of former tidal marsh, and dedicated a public access easement. Several years ago, the East Bay Regional Park District purchased the property. The Park District has committed that it will eventually complete the restoration work.

Ronald and Joyce Trost (McAvoy Yacht Harbor). In 1989, the Commission issued cease and desist order to Ronald and Joyce Trost for fill in a tidal marsh, renovating existing and constructing new boat berths, long-term mooring of vessels, operating a marine-related service facility, and storing junk at the McAvoy Yacht Harbor, all without a Commission permit. The order required the removal of the fill and junk, the restoration of the marsh, the payment of a civil penalty of \$52,000, a Commission permit for the boat berths and other work.

The Trosts removed the fill and restored some of the marsh, but did not remove the vessels or pay the civil penalty. The Trosts applied for a permit, but the Com

mission denied the application. Thereafter, the Commission filed suit against the Trosts to enforce the complete order. The Trosts stipulated to a judgment that required the payment of \$31,000 the Commission's jurisdiction over the site, authorized existing facilities, set conditions for repairs and future development, and required public access and mitigation. The Trosts paid the civil penalty and complied with the stipulated judgment by submitting required plans, by installing public access improvements, and completing the marsh restoration.

Waldo Point Harbor/Gates Coop. In 1971, the Commission issued a permit to authorize for 20 years the operation of the Waldo Point Harbor, a



houseboat marina located in Marin County north of Sausalito. In 1988, Waldo Point Harbor filed suit against the Commission, the

State Lands Commission, and Marin County. In 1992, the Harbor's permit expired. In 1993, the Commission entered into a settlement agreement with the State Lands Commission, Marin County, and Gates Cooperative, a settlement of boat dwellers within the Harbor. This settlement includes a land exchange that would provide the Harbor with title to State property on which private docks and berths had been built and would provide the State with an open water area in the center of the Harbor with an adjacent 1.1 acres of upland along the shoreline for a public park. The settlement was extended in 1995, 1997, and 1999. Marin County has been preparing an environmental impact report to comply with CEQA prior to issuing a local permit. Marin County currently anticipates that it will act on the Harbor's plan in 2001. Thereafter, the Harbor will submit a permit application to BCDC.

Galilee Harbor Community Association. In 1990, the Commission filed suit against Galilee Harbor Community Association, a group of unauthorized live-aboard boats

moored in Sausalito. In 1995, the Commission approved a settlement of this litigation, and in 1996, the trial court entered a final judgment. The settlement provides in three phases for the construction of a 38-berth marina with significant restrictions on the use of the berths, the construction of a boat repair facility and a building with meeting spaces and restrooms; the restoration of 14,000-square feet of intertidal habitat; and substantial public access amenities along the shoreline of the site. The rebuilding and occupancy of the new harbor, as well as most of the public access improvements, are underway. The Commission's approval of the settlement also included memoranda of agreement with Marin County and the City of Sausalito, memorializing their commitments to advance the policies of the Richardson Bay Regional Agency by improving anchor-out enforcement, employing a full-time harbormaster, removing a specified number of anchor-out vessels, and helping abate anchor-outs in Richardson Bay.

Michael Corbett. Michael Corbett occupies a house built on pilings in the Oakland/Alameda Estuary in federally owned property. Although the federal government believes that Mr. Corbett is trespassing, it has not taken any action to evict him. In 1985, Mr. Corbett built an addition to his house without permits from the Commission. In 1990, the Commission issued cease and desist order requiring Mr. Corbett to remove the addition and to pay a penalty of \$10,000, with all but \$1,000 being stayed if he complied with the order. Mr. Corbett did not pay the penalty and filed suit against the Commission. The Commission cross-complained to enforce the removal order. Thereafter, due to Mr. Corbett's inability to obtain a lease from the federal government, the Commission tried to reach a settlement. The Attorney General's Office referred the matter back to BCDC with a recommendation that the Commission consider, with the City and the Port of Oakland, to obtain removal of the structure and recover penalties from Mr. Corbett.

John Seaborn. In 1992, the Commission issued a cease and desist and civil penalty order to John Seaborn

for illegally mooring two large storage tanks without a permit. The order required the tanks to be removed and the payment of a fine. When Mr. Seaborn failed to comply with the order, the Attorney General filed a lawsuit, and thereafter Mr. Seaborn removed the tanks but refused to pay any civil penalty. In 1999, the Solano County Superior Court ruled in BCDC's favor and permanently prohibited Mr. Seaborn from mooring any vessel or other structure without authorization from the Commission. The court also imposed a penalty of \$34,150 but stayed \$19,150 if Mr. Seaborn does not violate the court's order for five years. Mr. Seaborn subsequently paid the \$15,000.

Peter Day and Connie Perlman. In 1994, Peter Day filed suit against a number of entities, including the Commission for breach of contract and the violation of civil rights arising out of his mooring of his boat at Waldo Point Harbor in Richardson Bay, Marin County. This case was subsequently dismissed, and thereafter Mr. Day sold his boat to Connie Perlman. In 1997, the Commission issued a cease and desist order and a civil penalty order against Connie Perlman for her illegal mooring of the vessel, which had sunk while moored at in the Waldo Point Harbor. When Ms. Perlman failed to comply with the order, the Attorney General filed a lawsuit against Ms. Perlman. In 1998, the trial court ruled in favor of the Commission and ordered Ms. Perlman to remove the vessel and to pay a civil penalty. The vessel has been removed from the Bay, but Ms. Perlman has not paid the civil penalty.

Peter Nones and Robert Childers. In 1997, the Commission issued cease and desist and civil penalty orders to Phillip Nones and Robert Childers, requiring both men to remove from Alviso Slough in Santa Clara County unauthorized vessels and structures and to pay a penalty of \$20,000 each. When they did not comply with the orders, the Attorney General filed separate lawsuits against each of them. The trial court upheld the validity of the Commission's orders, but neither man had enough money to pay for the removal. The Commission staff is attempting to secure funding to effectuate the Commission's and the court's orders.

Reginald Burgess. In 2000, Reginald Burgess filed suit against the City of Vallejo and several other entities and persons, including BCDC. Mr. Burgess, who resides on a boat moored at the Vallejo marina, alleges that he is the victim of racial discrimination and that various violations of law are occurring at the Vallejo Marina and that none of the parties he has sued properly addressed these alleged violations. The staff identified several permit violations at the Vallejo Marina within the last year, but those violations have been satisfactorily resolved. The case has been referred to the Attorney General's Office. In November 2000, a court magistrate recommended that the Commission be dismissed from the lawsuit.

Cities of Milpitas and Fremont. In June 2000, the Cities of Milpitas and of Fremont filed actions in eminent domain to condemn property needed for the construction of a larger freeway interchange at the intersection of Interstate Highway 880 and Dixon Landing Road in southern Alameda County and in northern Santa Clara County. The actions named the Commission as a defendant because of several permits issued by the Commission. These actions are currently pending.

Regulation Amendments

In 2000, the Commission amended a regulation establishing the date by which a vessel must have been built to qualify as an "historic ship". The consequence of this change is that the Commission may now authorize vessels built before 1932, rather than 1928, to be permanently moored in the Bay.

The Commission adopted a regulation to respond to a change in the McAteer-Petris Act that requires the Commission to consider additional criteria such as noise when evaluating fill projects. The revised permit application form now requires an applicant to provide additional relevant information for the Commission's review.

The Commission adopted a regulation that designates the Port of Oakland's Middle Harbor as a location where dredged material may be disposed, but conditioned the use of the site by requiring the use the mate-

rial for a project to restore Bay habitat. The consequence is that the Port of Oakland and U.S. Army Corps of Engineers may utilize the site for the placement of material dredged from the Oakland Inner Harbor and the creation of eelgrass beds and other incidental Bay habitat.

LEGISLATIVE AFFAIRS

Several bills law that affect the Commission were considered by the Commission in 2000, three of which have been signed into law, SB 1562 (Burton), AB 398 (Migdon) and AB 954 (Aroner).

- **SB 1562**, introduced by Senator John Burton, amended the California Environmental Quality Act (CEQA) to avoid the need for San Francisco International Airport to prepare a detailed mitigation plan for restoration of the south Bay salt ponds. The Commission initially opposed the legislation, but after the amendments requested by BCDC were incorporated into the bill, the Commission withdrew its opposition.
- **AB 398**, was carried by Assembly member Carole Migden and established the San Francisco Baylands Restoration Program Account in the state Wildlife Restoration Fund for acquisition of lands to restore and enhance wetlands in the San Francisco Bay area. The Commission supported this legislation.
- **AB 954**, was introduced by Assemblymember Dion Aroner and directs the Commission, when considering whether a project provides maximum feasible public access in areas of sensitive habitat—including tidal marshlands and mudflats, to (1) consult with the Department of Fish and Game, and (2) using the best available scientific evidence, to determine whether the access is compatible with wildlife protection in the Bay. The Commission supported this bill.

WORK PROGRAM AND BUDGET

The process of developing the Commission's budget normally begins in June of each year when the Commission

updates its strategic plan. The staff then drafts a work program for the coming fiscal year and for the fiscal year beginning in July of the following year. The following table summarizes the FY 99-00 and FY 00-01 work programs adopted by the Commission and has been austed for changes in the final fiscal year budget.

In FY 99-00, about 74 percent of the funding for the Commission's program was provided by California's General Fund (\$2,813,000). This is a two percent General Fund increase from the previous year. The remaining funding came from: the Bay Fill Clean Up and Abatement Account; federal grants from the Environmental Protection Agency; U.S. Geological Survey Service; the National Oceanic and Atmospheric Administration under the federal Coastal Zone Management Act; the California Department of Fish and Game for work under the Oil Spill Prevention and Response Act; the California Department of Transportation to fund the Commission's work on Caltrans' projects within the Commission's jurisdiction; the California Coastal Conservancy for CalFed work on the Hamilton Wetland Restoration Project work; the San Francisco International Airport for work on its airport project; and the Metropolitan Transportation Commission to print the *San Francisco Bay Area Seaport Plan*.

In FY 00-01, about 84 percent of the funding for the Commission's program was provided by California's General Fund (\$3,796,000). This is a 10 percent General Fund increase from the previous year. The remaining funding came from: the National Oceanic and Atmospheric Administration under the federal Coastal Zone Management Act; the Clean Boating Program; the California Department of Fish and Game for work under the Oil Spill Prevention and Response Act; California Department of Transportation to fund the Commission's work on Caltrans' projects within the Commission's jurisdiction, the California Coastal Conservancy for CalFed work on the Hamilton Wetland Restoration Project; the City of Hercules and the Oakland Army Base for Bay Plan Amendments; and the San Francisco International Airport for work on its airport project.

WORK PROGRAM

	FY 99-00		FY 00-01	
	PYs	\$000s	PYs	\$000s
<u>Core Program</u>				
Permits/Consistency Determinations	6.5	740	7.6	819
Enforcement	3.5	398	3.8	409
General Planning	4.5	512	4.3	461
Executive, Legal and Legislative Support	4.5	512	6.6	717
Administration, Commission and Clerical Support	6.0	683	6.6	717
Total, Core Program	25.0	\$2,845	28.9	\$3,123
<u>Special Fund Projects</u>				
Aquatic Habitat Policy Development	0.4	46	0.4	41
Public Access and Wildlife Study	1.0	114	1.6	174
Caltrans projects Review	1.0	114	0.9	102
Long Term Management Strategy (LTMS)	3.0	341	5.7	614
North Bay Planning	0.3	34	0	0
San Francisco Airport Pre-Application Assistance	0.3	34	0.3	31
Oil Spill Prevention and Response Planning	1.0	114	1.9	205
Regulation Development	0.5	57	0.7	82
Seaport Planning	0.3	34	0.6	61
Local Government Planning Partnerships	0.4	46	0.7	72
Total Special Fund Projects	8.2	\$934	12.8	\$1,382
Total Program	33.2	\$3,779	41.7	\$4,505

BUDGET

	FY 99-00 Actual (\$000's)	FY 00-01 Estimated (\$000's)
<u>Expenditures</u>		
Personal Services	\$2,124	\$2,787
Operating Expenses and Equipment	1,655	1,718
Total Expenditures	\$3,779	\$4,505
<u>Funding</u>		
General Fund	\$2,813	\$3,796
Bay Fill Clean-up and Abatement Account	176	0
Federal Trust Fund	7	76
Reimbursements	783	633
Total	\$3,779	\$4,505

The Commission is composed of 27 members who represent federal, state and local governments and the general public. The members all serve at the pleasure of the appointing authority. In 2000, the Commission members and their alternates (shown in parentheses) were:

Public Representatives

Appointed by Governor Wilson:

Robert R. Tufts, Chairman
(David Thompson)
Angelo Siracusa, Vice Chairman
(Thomas Hinman)
Arthur Bruzzone
(Woodward Kingman)
Richard Wall
(Colleen Casey)
Christopher Warner
(Wade Hugan)

Appointed by the Senate Rules Committee:

Betsey Cutler
(John Leonard)

Appointed by the Speaker of the Assembly:

James Levine*
(Robert Thompson)*
William Ross

Federal Representatives

U.S. Army Corps of Engineers

Calvin Fong
(Arijs Rakstins)*
(Jane Hicks)

U.S. Environmental Protection Agency

Karen Schwinn
(Nancy Woo)*

Representatives of the Legislature

Assemblyman Tom Torlakson*
(Estuardo Sobalvarro)

State Representatives

Business, Transportation and
Housing Agency

Donna Campbell*
Larry Magid
(Harry Yahata)

Department of Finance
Fred Klass

Regional Water Quality Control
Board

Clifford Waldeck
Martin McNair*

Resources Agency

Michael Sweeney
(Brian Baird)

State Lands Commission

Paul Thayer
(Michael Valentine)*
(William Morrison)

Local Representatives

Appointed by County Boards
of Supervisors:

Alameda County

Wilma Chan*
(Danny Wan)*
Alice Lai-Bitker
(Beverly Johnson)

Contra Costa County

John Gioia
(Gayle Uilkema)

Marin County

Annette Rose
(Cynthia Murray)

Napa County

Mike Rippey
(Brad Wagenknecht)

San Francisco County

Sue Bierman
(Rod Freebairn-Smith)

Santa Clara County

Liz Kniss
Pete McHugh*
(Eric Carruthers)

San Mateo County

Richard Gordon
(Jean Auer)*
(Jerry Hill)

Solano County

Barbara Kondylis
(John Silva)

Sonoma County

James Cale
(Tim Smith)

Appointed by the Association of
Bay Area Governments:

North Bay Cities

Joan Lundstrom
(Steve Messina)

South Bay Cities

Gus Morrison
(Dena Mossar)

East Bay Cities

Rosemary Corbin
(Shirley Dean)

West Bay Cities

Susan Leal
(Joseph Fernekes)

*Commissioners or Alternates who left or whose appointment to the Commission changed in 2000.

Executive

Executive Director
Will Travis

Deputy Director
Steven A. McAdam

Public Information Intern
Adria Avilla

Executive Secretary
Graciela Gomez

Regulation

Chief of Permits
Robert J. Batha

Principal Permit Analyst
Andrea Gaut

Permit Analysts
Lee Huo
Leslie Lacko
Michelle Levenson

Bay Design Analyst
Brad McCrea

Staff Engineer
Arthur Duffy*

Permit Secretary
Reyna Amezcua

Chief of Enforcement
Adrienne Klein

Enforcement Analysts
Ande Bennett
Lisa Bennett
Allen Brooks

Enforcement Secretary
Myrna Carter

Planning

Chief Planner
Jeffry Blanchfield

Senior Planner
Joseph LaClair

Planners
Caitlin Sweeny
Linda Scourtis
Leora Elazar*
Katherine Wood
Lindy Lowe

Cartographer
Yuki Kawaguchi

Airport Consultant
Don Neuirth

Planning Intern
Ryan Binns

Oil Spill Prevention and
Response Analysts
Nicholas Salcedo

Oil Spill Prevention and
Response Intern
Allen Brooks*

Planning Secretary
Rebecca Garcia-Bacon

NOAA San Francisco Bay
Project Liaison
Lt. Commander Michael
Gallagher

Legal Services

Staff Counsels
Jonathan T. Smith
Ellen Sampson

Deputy Attorneys General
Joseph Barbieri
Joel Jacobs

**Dredging Management and
Legislative Affairs**

Program Director
Steven Goldbeck

Dredging Program Analysts
Jaime Michaels
Brenda Gordon

Dredging Program Interns
Lara Ettenson*
Andrew Lucas

Dredging Management and
Legislative Affairs Secretary
Kelly Westenbarger

**Administrative Services and
Commission Support**

Assistant Executive Director,
Administrative Services
Howard Iwata

Associate Administrator
Sharon Louie

Assistant Administrator
Leslie A. Muse

Budget Officer
Richard Ng

Chief Information Officer
Chris Besenty

Information System Analyst
Hermin Farhad

Administration Secretary and
Receptionist
Estella Corona
Quezon Ganotise

Administrative Intern
David Giang

*Changes and resignations in 2000.